

## REMARKS

The Office Action mailed February 28, 2003, has been carefully considered together with each of the references cited therein.

5        Claims 1 and 4-19 are presented for examination.

      Claims 2 and 3 have been cancelled.

      Claim 11 has been allowed.

Transmitted herewith is an additional disclosure statement which includes references cited in a "Supplemental European Search Report" dated June 26, 2003. The new references were  
10        categorized by the European examiner as technical background relevant to original Claims 1, 5, 6 and 11.

Applicants respectfully urge that the newly cited references recently received from Applicants' European associate be entered as references of record in this application. However, it is urged that the references do not suggest the combination called for in any of the claims pending in  
15        this application.

Notice of appeal has been filed in the present application to save the application from abandonment in the event that the examiner refuses to enter the proposed amendment and allow the claims as now presented.

If it appears that any of the claims are not allowable, the examiner is urged to call the  
20        undersigned to discuss any possible amendment to place the application in condition for allowance.

Claims 1-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (CA 2064270) in view of Andersson et al (#5,155,799), as discussed in paragraph 2 of the last Office Action.

Claims 12-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis et al  
25        as discussed in paragraphs 4 and 5 of the Office Action mailed May 3, 2002.

The examiner stated, in the last Office Action, that Davis does not show the heating means as claimed. The examiner further stated in the last Office Action that Andersson et al teaches the concept of sealing webs using heated air means and that hot air has advantages with regard to rapid and concentrated heating (Col 2, lines 8+).

Claims 2 and 3 have been cancelled and similar limitations have been inserted into Claim 1 which calls for: positioning a segment of the flattened portion of the neck of the bag to bridge between spaced grippers; forming a row of perforations in the bag neck; and directing heated air jets to engage the segment of the bag bridging between the spaced grippers for fusing panels of the bag together to form a sealed strip spaced from the row of perforations.

The examiner indicated that little patentable weight is given to the location of parts unless there is some criticality or unexpected result from the location. The examiner further indicated that the actual location of where the heat is applied is a matter of where the user wants to create a seal/bond to close the bag. In addition the examiner indicated that the actual timing of the perforations would have been obvious with a combination of Andersson et al to perform the perforations before the heating step.

Applicants respectfully take issue with the position of the examiner. It is improper to ignore the limitations of the claim and summarily state that Davis and Andersson disclose perforations and sealing and that the location of the perforations, the location of the seal and the method of forming the seal is merely a matter of design choice.

Applicants respectfully urge that the motivation to combine the references as proposed by the examiner is too general because it could cover almost any alteration and does not address why this specific proposed modification would have been obvious. Additionally, there is nothing in either of the references that would suggest gripping a perforated neck of a bag between spaced grippers and directed heated air jets to engage the segment of the bag bridging between the spaced grippers for fusing panels of the bag together to form a sealed strip spaced from the row of perforations in the neck of the bag. Applicants respectfully urge that the proposed amendment to Claim 1 be entered to place the application in condition for allowance or in better condition for appeal. The limitations of cancelled Claims 2 and 3 have been previously considered by the examiner and the proposed

amendment to Claim 1 does not require further consideration and/or search.

Claims 12-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis et al as discussed in paragraphs 4 and 5 of the Office Action mailed May 3, 2002.

The examiner stated that in response to Applicants' argument regarding Claim 4 and Claim 12, the examiner reads these claims in a broad context.

Applicants respectfully urge that this interpretation of the claims is improper. The examiner must consider the claim limitations and find some teaching in the references for the proposed modification. Applicants respectfully urge that there is no suggestion, other than Applicants' disclosure, to direct heated air jets for forming the seal in a manner called for in Claims 4 and 12 and it is respectfully urged that such claims be allowed.

Applicants respectfully urge that it is immaterial that Davis uses pressed bag code to provide information on a bag. Applicants do not claim this feature. They have invented a method of perforating and heat sealing a printed bag. They have solved a problem that others have not resolved.

Applicants respectfully take issue with each and every statement made by the examiner with regard to the rejection of Claims 1-10 and 12-19 set forth in the Office Actions mailed February 28, 2003 and May 3, 2002. Applicants respectfully urge that Claims 1-10 and 12-19 are allowable for the reasons stated in Amendment A, filed in response to the Office Action mailed May 3, 2002.

Notice of Appeal has been filed concurrently herewith. Applicants respectfully urge that the proposed amendments to Claim 1 be entered to place the application in condition for allowance or in better form for appeal. Claims 2 and 3 have been cancelled to reduce the issues for consideration on appeal.

All claims are believed to be in condition for allowance, if the Examiner is of the opinion that a telephone conference would speed prosecution of the application, please call the undersigned.

The application as now presented appears to be in condition for allowance and such action is respectfully solicited.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to the ASST. COMMISSIONER OF PATENTS, Alexandria, Virginia 22292-3514 on:

August 28, 2003

Date of Deposit

GERALD G. CRUTSINGER

Name of Applicant, Assignee or Registered Representative

Gerald G. Crutsinger

Signature

August 28, 2003

Date of Signature

Respectfully submitted,

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